

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____)	Case No. _____
(Plaintiff))	
)	
PLAINTIFF,)	NOTICE OF MOTION FOR
)	_____
Vs)	_____
_____)	
(Defendant))	
)	
DEFENDANT,)	

TO: _____
(List names of parties to receive notice of motion)

_____ **YOU ARE HEREBY GIVEN NOTICE** that oral arguments on the Motion for _____ will be heard before the Court pursuant to Rule 3.2 of the North Dakota Rules of Court, the Honorable _____ presiding, on the ____ day of _____, 20____, at _____ (am/pm) or as soon thereafter as the matter may be heard.

OR

_____ **YOU ARE HEREBY GIVEN NOTICE** that the Motion for _____ will be heard by the Court pursuant to Rule 3.2 of the North Dakota Rules of Court and that the same will be decided on briefs unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

PLEASE TAKE FURTHER NOTICE that you shall have fourteen (14) days after service of a brief supporting the enclosed motion within which to serve and file an answer brief and other supporting papers and that upon the filing of briefs, or upon expiration of the time for filing, the motion is deemed submitted to the Court, unless a party timely requests oral argument or the taking of testimony.

PLEASE TAKE FURTHER NOTICE that a request for oral argument or the taking of testimony must be made not later than seven (7) days after expiration of the time for filing the answer brief and that the party requesting oral argument shall secure a time for the argument or testimony and shall serve notice of the time for oral argument or the taking of testimony upon all other parties.

Dated this _____ day of _____, 20____

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

INSTRUCTIONS FOR NOTICE OF MOTION

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Do not include these instruction sheets when you serve or file the completed form.

THE “MOTION” SECTION OF THE [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

The party making a motion to the court, or the “moving party,” must serve a notice of motion on all other parties. The notice of motion is served with the motion, brief in support of motion, affidavit(s) in support of motion, and any other supporting documents.

Top of Form:

- ☐ Complete the top of the Notice of Motion exactly as it appears in the Plaintiff’s complaint.
- ☐ Fill in the type of motion on the lines under “Notice of Motion For.”
- ☐ List the names of all the other parties on the “TO:” line. If a party is represented by a lawyer, list the name of the lawyer.
- ☐ Fill in the case number.

Notice of Oral Arguments or Notice of Decision on Briefs

Motions may be decided entirely on the documents submitted by the parties. A party can make a timely request for an oral argument or an evidentiary hearing on the motion. ***This notice of motion form is designed for use when an oral argument was requested and scheduled.***

- ☐ If the moving party scheduled oral arguments on the motion, put a checkmark (✓) on the line next to the first paragraph. Fill in the oral argument time and date information.

The party requesting oral arguments on a motion must schedule a time for the oral arguments by contacting the clerk of court where the civil action is filed.

- ☐ If the moving party requests that the court decide the motion on briefs, put a checkmark (✓) on the line next to the second paragraph.

If the moving party requests a decision on briefs, the opposing party can still request an oral argument or an evidentiary hearing on the motion.

Sign and Date the Notice of Motion:

- ☐ The party making the motion must sign and date the Notice of Motion.

Serve and File the Notice of Motion, Motion, Brief in Support of Motion, Affidavit(s) in Support of Motion, and any Other Supporting Documents:

- ☐ A copy of the Notice of Motion must be served on all other parties. A copy of the motion, brief in support of motion, affidavit(s) in support of motion, and any other supporting documents must be served with the Notice of Motion.

The [Service](#) link on the ND Legal Self Help Center website has information about service after a civil action has been started.

- ☐ The original Notice of Motion must be filed with the clerk of court where the existing case is filed. The original motion, brief in support of motion, affidavit(s) in support of motion, any other supporting documents, and proof of service must be filed with the Notice of Motion.

The “Filing Documents with the District Court” Section of the [Guide to a Civil Action](#) (*link*) on the ND Legal Self Help Center website has additional information and resources.

Do not include these instruction sheets when you serve or file the completed form.

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.